



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Thirty-sixth Meeting Day

Monday Afternoon

March 19, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Michael Latham, Renaissance Missionary Baptist Church, Fort Wayne, the guest of Representative Winfield C. Moses, Jr.

The Pledge of Allegiance to the Flag was led by Representative Gary L. Cook.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon •	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders •
Dillon	Scholer
Dobis	M. Smith
Dumézich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 412: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 21, 2001, at 1:00 p.m.

KROMKOWSKI

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 22 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 45

Representative Mahern introduced House Resolution 45:

A HOUSE RESOLUTION concerning the process of redistricting in the House of Representatives of the Indiana General Assembly.

Whereas, The Constitution of the State of Indiana, Article 4, Section 5, requires that the "General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representatives and apportion them among districts according to the number of inhabitants in each district, as revealed by that federal decennial census.";

Whereas, The Constitution likewise requires that those districts be contiguous;

Whereas, The Legislative Council adopted LCR 98-3 on June 6, 1998 which resolved that "each legislative caucus is entitled to a level playing field in terms of the computer software and hardware needed to draw [redistricting] maps that meet federal and state constitutional requirements";

Whereas, A working group made up of legislators and staff from the four caucuses was formed and met on several occasions to advise the Legislative Services Agency on the implementation of LCR 98-3;

Whereas, At a meeting attended by every member of the working group held on February 8, 2001, it was unanimously agreed that the assignment of the Legislative Council to the Legislative Services Agency to provide a fair and level playing field had been completed;

Whereas, The House of Representatives has been preparing for the redistricting by securing computer hardware, computer software, office space and supplies, training staff and members in the use of this equipment and working with the United States Bureau of the Census with a view towards getting the release of population data as soon as reasonably possible;

Whereas, The efforts to secure equipment, space and training has been led by the Legislative Services Agency, which was charged with providing equal support and facilities to the four legislative caucuses of the House and Senate, as well as making information available to the public;

Whereas, The members of the House of Representatives wish to acknowledge that the process leading up to the drafting of a redistricting bill to present to the 112th Indiana General Assembly was fair, impartial and complies with the law: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Democratic and Republican caucuses of the House of Representatives have had equal access to the people, facilities, equipment, training and educational opportunities, through the Legislative Services Agency, and are now equally prepared to go forward with the process of drafting legislation to create districts for the election of members of the House of Representatives to the 113th Indiana General Assembly, which districts will comply fully with the law.

SECTION 2. That the Indiana General Assembly will make available to the public, in the State Library, computer software that is identical to the computer software that is available to each of the four caucuses and computer hardware that is comparable to the hardware available to the four caucuses and will also provide for training at the State Library to members of the public so that they can use the map drawing facilities which are made available to them. The employees of the State Library will not, however, be expected to actually help any person create new district maps.

SECTION 3. That the census data from the United States Bureau of the Census has been made available to all four of the caucuses as well as to the public, via the computer hardware and software at the State Library.

SECTION 4. That the units of geography specified in the tapes received by the Legislative Services Agency in January 2001, plus the precinct lines electronically developed by the LSA Block Boundary Program to reconstruct the precinct lines as they were in fact voted (according to the county election officials in the State of Indiana), are to be incorporated by reference in the redistricting legislation and are to be used to define the districts of members to be elected in 2002 (and thereafter until the next decennial census is completed) to the Indiana House of Representatives, to the Indiana Senate and to the United States House of Representatives.

SECTION 5. That in drawing districts for the members of the Indiana General Assembly and the United States House of Representatives, the bill drafters shall make every effort to comply with existing constitutional, statutory and case law.

SECTION 6. That a copy of this resolution shall be entered in the Journal of the House of Representatives and given to each member.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 46

Representative Fry introduced House Resolution 46:

A RESOLUTION honoring Steve Wetzel for winning the International Rapid Fire Competition.

Whereas, In August 2000, Steve Wetzel won the state championship in the International Rapid Fire Competition;

Whereas, With this latest victory, Steve Wetzel has won the state championship in the International Rapid Fire Competition seven times;

Whereas, Because of his expertise in rapid fire marksmanship, Steve Wetzel will be trying out for the U. S. Olympic team; and

Whereas, Excellence of this caliber deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate Steve Wetzel for winning the 2000 International Rapid Fire Competition.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Steve Wetzel and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 48

Representatives Behning, Mangus, Mannweiler, Richardson, and Whetstone introduced House Resolution 48:

A HOUSE RESOLUTION concerning the process of redistricting the House of Representatives of the Indiana General Assembly.

Whereas, The Constitution of the State of Indiana, Article 4, Section 5, requires that the "General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representative and apportion them among districts according to the number of inhabitants in each district, as revealed by that federal decennial census.";

Whereas, The House of Representatives desires to identify principles that will guide the redistricting of the House of Representatives in the 112th Indiana General Assembly;

Whereas, The Constitution requires that districts be contiguous;

Whereas, The Legislative Council adopted LCR 98-3 on June 6, 1998, which resolved that "each legislative caucus is entitled to a level playing field in terms of the computer software and hardware needed to draw [redistricting] maps that meet federal and state constitutional requirement";

Whereas, A working group made up of legislators and staff from the four caucuses was formed and met on several occasions to advise the Legislative Services Agency on the implementation of LCR 98-3;

Whereas, At a meeting attended by every member of the working group held on February 8, 2001, it was unanimously agreed that the assignment of the Legislative Council to the Legislative Services Agency to provide a fair and level playing field had been completed;

Whereas, The House of Representatives has been preparing for the redistricting by securing computer hardware, computer software, office space and supplies, training staff and members in the use of this equipment and working with the United States Bureau of the Census with a view toward getting the release of population data as soon as reasonably possible, and hopefully well before the statutory deadline of April 1, 2001;

Whereas, The efforts to secure equipment, space and training has been led by the Legislative Services Agency, which was charged with providing equal support and facilities to the four legislative caucuses of the House and Senate, as well as making information available to the public;

Whereas, The members of the House or Representatives wish to acknowledge that the process leading up to the drafting of a redistricting bill to present to the 112th Indiana General Assembly was fair, impartial and complies with the law: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Democrat and Republican caucuses of the House of Representatives have had equal access to the people, facilities, equipment, training and educational opportunities, through the Legislative Services Agency, and are now equally prepared to go forward with the process of drafting legislation to create districts for the election of members of the House of Representatives to the 113th Indiana General Assembly, which districts will comply fully with the law.

SECTION 2. That the Indiana General Assembly will make available to the public, in the state Library, computer software that is identical to the computer software that is available to each of the four caucuses and computer hardware that is comparable to the hardware available to the four caucuses and will also provide for training at the State Library to members of the public so that they can use the map drawing facilities which are made available to them. The employees of the State Library will not, however, be expected to actually help any person create new district maps.

SECTION 3. That as soon as the data becomes available from the United States Bureau of the Census to any caucus, it will be made available to all four of the caucuses as well as to the public, via the compute hardware and software at the State Library.

SECTION 4. That the units of geography specified in the tapes received by the Legislative Services Agency in January 2001, plus the precinct lines electronically developed by the LSA Block Boundary Program to reconstruct the precinct lines as they were in fact voted (according to the county election officials in the State of Indiana), are to be incorporated by reference in the redistricting legislation and is to be used to define the districts of members to be elected in 2002 (and thereafter until the next decennial census is completed) to the Indiana House of Representatives, to the Indiana Senate and to the United State House of Representatives.

SECTION 5. That in drawing districts for the members of the Indiana General Assembly and the United States House of Representatives, the bill drafters shall make every effort to comply with existing constitutional, statutory and case law. In furtherance of this effort, the Indiana General Assembly district boundaries should meet the following objective criteria:

- a. The relative population deviation between any House district shall not deviate from the ideal district population by more than one percent (1%). Due to the advancement in computer mapping technology, there should be no retrogression on this due to advancement in population.
- b. There will be no retrogression from the House and Senate redistricting plans adopted in 1991 in terms of the number of districts which contain a voting age majority of African-American citizens or the members of any other recognizable racial or ethnic minority, and the ability of African-American citizens or the members of any other recognizable racial or ethnic minority to elect a representative of choice.
- c. Districts should be compact and promote the ideal of fair representation, with the aggregate length of all district boundaries not exceeding by more than ten percent (10%) the aggregate length of any redistricting plan submitted by any legislator that achieves the population deviation and non-retrogression principles set forth above.

SECTION 6. That in drawing districts for the Indiana House of Representatives and Senate due consideration will be given to the creation of minority influence districts in situations in which a reasonably compact minority voting age population could exceed thirty-five percent (35%) of the voting age population in a district. Minority influence district, which permits the minority population to influence the election of representatives of choice, will be created where there exists racially polarized voting and where the creation of minority influence districts does not conflict with the traditional redistricting criteria of compactness, contiguity, equality of population, respect for significant and long standing communities of interest and the non-retrogression of majority-minority districts.

SECTION 7. That the House or Representatives will apply the standards set forth in Section 5 and 6 above to any House redistricting plan adopted in 2001 and will seek to have the foregoing standards passed into law to apply to both House and Senate districts.

SECTION 8. That a copy of this resolution shall be entered in the Journal of the House of Representatives and given to each member of the House of Representatives.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 121

Representative Weinzapfel called down Engrossed Senate Bill 121 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:15 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 18 and the same is herewith returned to the House.

MARY C. MENDEL
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 41 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 57

Representatives Kuzman, T. Adams, Klinker, Whetstone, Ruppel, Torr, Kruse, and D. Young introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to investigate issues related to the observance of Daylight Saving Time and the boundaries of the Eastern and Central Time Zones.

Whereas, The observance of Daylight Saving Time and the Time Zone boundaries may impact the Indiana economy, including the manufacturing, high-tech, retail, wholesale, service, broadcasting, transportation, and agricultural sectors of the economy;

Whereas, The observance of Daylight Saving Time and the Time Zone boundaries may affect recreational, civic, educational, religious, and social opportunities for Indiana citizens;

Whereas, The observance of Daylight Saving Time and the Time Zone boundaries may also involve issues related to energy consumption and public safety: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Legislative Council is urged to establish an interim study committee to investigate issues related to the observance of Daylight Saving Time and the boundaries of the Eastern and Central Time Zones.

SECTION 2. That the interim study committee established to investigate issues related to Daylight Saving Time report its findings to the Second Regular Session of the One Hundred Twelfth General Assembly.

SECTION 3. That a copy of this resolution be recorded in the Journal and distributed to each member of the House of Representatives.

The resolution was read a first time and placed upon its passage. The question was, Shall the resolution be adopted?

Upon request of Representatives Wolkins and Espich, the Speaker ordered the roll of the House to be called. Roll Call 413: yeas 51, nays 46. The resolution was adopted. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator xx.

Senate Concurrent Resolution 41

The Speaker handed down Senate Concurrent Resolution 41, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION honoring Kathy Alfke on her selection as the 2000 Teacher of the Year by the National Right to Read Foundation (NRRF).

Whereas, On Friday, October 13, 2000, in the office of Dr. Suellen Reed, state superintendent of public instruction, Kathy Alfke

received the 2000 Teacher of the Year award from the National Right to Read Foundation (NRRF);

Whereas, This award is presented each year by the NRRF to one teacher selected from the entire nation who has exerted a tremendous effort to restore reading literacy in the classroom by emphasizing the skills of explicit intensive systematic phonics;

Whereas, The eligibility criteria for this award set forth by the NRRF perfectly describe Kathy;

Whereas, When Kathy became frustrated with the way reading was being taught in Indiana's schools, she took a leave of absence from her classroom in order to find a better way to provide successful reading skills to her students; Whereas, It is this type of determination that makes Kathy such a successful teacher, a teacher loved by her students and their parents alike;

Whereas, In addition to being named 2000 Teacher of the Year by the NRRF, Kathy received the Teacher Creativity Grant from the Lily Endowment in 1989, an award given to only 80 teachers in the state;

Whereas, Kathy was also voted one of the top ten teachers of the year for Indianapolis Public Schools in 1991 and was awarded the National Literacy Advocate Award from the James Flanigan Foundation and the United Parcel Service;

Whereas, Kathy enjoyed recognition from the Indiana press when she was interviewed by the Indianapolis Star and her story appeared in the special feature in "Reading Revolution" on January 9, 2000;

Whereas, Kathy is an Indiana State University graduate with a bachelor's degree in education and is licensed to teach grades 1 through 6 with a reading endorsement that was professionalized in 1986;

Whereas, Kathy received her master's degree from IUPUI in 1986;

Whereas, Kathy has 16 years of teaching experience, 15 of which have been with Indianapolis Public Schools;

Whereas, Kathy has a firm belief that educators must forge partnerships with families, civic organizations, and social service agencies in order to establish a support system for our children that can enhance their chances for success; and

Whereas, An exemplary teacher, Kathy represents the best of the teaching profession with her positive contributions, compassion, and enthusiasm, which are needed in the teaching profession today if our children are to succeed in the future: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate Kathy Alfke on her selection as the National Right to Read Foundation's 2000 Teacher of the Year, to commend her on a job well done, and to wish her continued success in her future endeavors.

SECTION 2. That a copy of this resolution be transmitted by the Secretary of the Senate to Kathy Alfke and her family and to Rubie Crockett, principal of Riverside School No. 44.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Sturtz be removed as sponsor of Engrossed Senate Bill 15, Representative Dvorak be substituted as sponsor.

STURTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker and Budak be added as cosponsors of Engrossed Senate Bill 216.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as sponsor of Engrossed Senate Bill 261, Representative Saunders be substituted as sponsor, and Representative Bodiker be added as cosponsor.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as sponsor of Engrossed Senate Bill 345, Representative Goodin be substituted as sponsor, and Representatives Bodiker, Burton, and Hinkle be added as cosponsors.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Hasler be added as cosponsors of Engrossed Senate Bill 371.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as sponsor of Engrossed Senate Bill 583, Representative Goodin be substituted as sponsor, and Representatives Bodiker, Burton, and Hinkle be added as cosponsors.

BODIKER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Stilwell the House adjourned at 4:10 p.m., this nineteenth day of March, 2001, until Wednesday, March 21, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives